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 Attorney for the Unsecured Creditors, Specialty Equipment
 Services, LLC., and Active Assets Management LLC.

E-filed on: July 21, 2010

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:	Chapter 7
WES CONSTRUCTION COMPANY, INC.,)	CASE NO: BK-N-09-52177-gwz
a Nevada corporation,)	BK-N-09-52178-gwz
)	BK-N-09-52181-gwz
HEAVY EQUIPMENT SERVICES, LLC,)	(Jointly administered under 09-52177)
a Nevada limited liability company,)	
)	
TRUCKING SERVICES, LLC.,)	NOTICE OF HEARING ON:
a Nevada limited liability company,)	1) PLEADING IN RESPONSE
)	TO STEVE BENNYHOFF'S
)	STATEMENT REGARDING HIS
)	DISINTERESTEDNESS IN
)	SUPPORT OF HIS APPLICATION FOR
)	EMPLOYMENT BY THE TRUSTEE,
)	and, 2) DECLARATION OF JOHN WHITE
)	IN SUPPORT OF PLEADING IN
)	RESPONSE TO STEVE BENNYHOFF'S
)	STATEMENT REGARDING HIS
)	DISINTERESTEDNESS IN SUPPORT OF
)	HIS APPLICATION FOR EMPLOYMENT
)	BY THE TRUSTEE.
)	
)	Hearing Date: September 15, 2010
Debtors-in-Possession.)	Hearing time: 2:00 p.m.
/)	Estimated time: 15 minutes

NOTICE IS HEREBY GIVEN that a: 1) PLEADING IN RESPONSE TO STEVE
 BENNYHOFF'S STATEMENT REGARDING HIS DISINTERESTEDNESS IN SUPPORT OF

1 HIS APPLICATION FOR EMPLOYMENT BY THE TRUSTEE, and, 2) DECLARATION OF
 2 JOHN WHITE IN SUPPORT OF PLEADING IN RESPONSE TO STEVE BENNYHOFF'S
 3 STATEMENT REGARDING HIS DISINTERESTEDNESS IN SUPPORT OF HIS
 4 APPLICATION FOR EMPLOYMENT BY THE TRUSTEE, were filed on July 19, 2010. These
 5 pleadings seek the following relief: 1) An Order Declaring that Steve Bennyhoff's June 25,
 6 2010 Declaration ("Declaration") does not adequately disclose Mr. Bennyhoff's connections with
 7 the Debtor, and in the alternative, for 2) An Order Declaring that the Declaration shows that Mr.
 8 Bennyhoff is a creditor in this case and is therefore not disinterested. Any opposition must be
 9 filed pursuant to Local Rule 9014 (d)(1).
 10

11 **NOTICE IS FURTHER GIVEN** that if you do not want the court to grant the relief sought in
 12 the above pleadings, or if you want the court to consider your views thereon, then you must file
 13 an opposition with the court, and serve a copy on the person making the above pleadings ***no later***
 14 ***than 14 days*** preceding the hearing date for the above, unless an exception applies (see Local
 15 Rule 9014(d)(3)). The opposition must state your position, set forth all relevant facts and legal
 16 authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).
 17

18 If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading
 19 with the court. You *must* also serve your written response on the person who sent you this
 20 notice.
 21

22 If you do not file a written response with the court, or if you do not serve your written
 23 response on the person who sent you this notice, then:
 24
 25
 26

1 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be heard before a
2 United States Bankruptcy Judge, in the Clifton Young Federal Building, 300 Booth Street, First
3 Floor, Bankruptcy Courtroom, Reno, Nevada 89509 on September 15, 2010, at the hour of 2:00
4 p.m.
5

6 DATED: July 21, 2010.

WHITE LAW CHARTERED

By: 

John White, Esq.,
Attorney for the Unsecured Creditors and
other moving creditors

27 WHITE LAW
CHARTERED
LAWYERS

28 20TH CENTURY BLDG.
335 W. FIRST STREET
RENO, NV 89503

T (775) 322-8000
F (775) 322-1228

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July 2010, I served a true and correct copy of the attached NOTICE OF HEARING, as follows:

X a. ECF System, on the 21st day of July, 2010:

Bruce Thomas Beesley bbeesley@lrlaw.com, rmaples@lrlaw.com

Janet L. Chubb tbw@jonesvargas.com

Stephen R. Harris noticesbh&p@renolaw.biz

Jeffery L. Hartman notices@bankruptcyreno.com, dlgl@bankruptcyreno.com

Christopher D. Jaime cjaime@waltherkey.com, kbernhar@waltherkey.com

Timothy A. Lukas ecflukast@hollandhart.com

Laury Miles Macauley lmacauley@lrlaw.com, rmaples@lrlaw.com

Alan R. Smith mail@asmithlaw.com,
turk@asmithlaw.com, marsh@asmithlaw.com

U.S. Trustee - RN11 USTPRegion17.RE.ECF@usdoj.gov

Caryn S. Tijsseling ctjsseling@lrlaw.com, kschaaf@lrlaw.com

Richard D. Williamson rich@nvlawyers.com, eileen@nvlawyers.com

X b. United States mail, postage fully prepaid, on the 21st day of July, 2010, to the interested parties at the addresses listed as follows:

Steve Bennyhoff
2835 Santa Ana Drive
Reno, NV 89502-4929

SPECIALTY EQUIPMENT SERVICE, LLC
Active Asset Management, LLC
Neil Brandon

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1 8640 Canyon River Dr.
2 Sparks, NV 89434

3 Gary Dayton
4 7190 Lindsay
5 Sparks, NV 89441

6 Valley Concrete
7 c/o Jay Gore
8 601 S. 15th St.
9 Sparks, NV 89431

10 Lyle Kibbee
11 11310 Corner Brook Court
12 Reno, NV 89511

13 X c. by Personal Service on July 21, 2010 (via Reno Carson Messenger Services) to the
14 following:

15 UNITED STATES BANKRUPTCY COURT
16 The Honorable Gregg W. Zive
17 Clerk's Office
18 300 BOOTH STREET
19 RENO, NV 89509-1361

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Signed on: July 21, 2010.

22 
23 Declarant, Araceli Gonzalez,
24 Employee, White Law Chartered

25
26
27 WHITE LAW
28 CHARTERED
LAWYERS

20TH CENTURY BLDG.
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RENO, NV 89503

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